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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,570	03/22/2001	Isamu Terasaka	SCEI 3.0-060	4541

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EXAMINER	
PENDLETON, BRIAN T	
ART UNIT	**PAPER NUMBER**
2644	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/814,570	TERASAKA ET AL.	
	Examiner	Art Unit	
	Brian T. Pendleton	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,6,11,14,17 and 21-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,6,11,14,17 and 21-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/22/01* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5, 6, 11, 14, 17, and 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5, 6, 11, 14, 17-20, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajiyama et al. Kajiyama discloses a storage medium playback system comprising a storage medium 103 having a first session 103a having music data, second session 103b having data tracks (display data, video data, etc.), and a main storage device 201, sound output device 107, CRT 102, and operating system 111 which is part of a personal computer 101. The controller 109 reads on a reading processing portion for reading out the stream data (music data) and action definition information (reproduction information) whereby the action position is the time information (see figure 7) and the action data corresponding to the action position is a display action of associated words that accompany the music data. The reproduction processing portion is the sound output device 107. The PC 101 is the application executing portion for executing an application and the viewer software 110 which is loaded into the PC 101 from the storage medium 103 is the monitoring processing portion for notifying the application when reproduction reaches an action position (see column 8 lines 12-22). Kajiyama does not explicitly

disclose that the monitoring processing portion refers to information stored on the recording medium that identifies a predetermined address in the reproduction of the stream data and action data having a predetermined correspondence with the predetermined address. However in column 7 lines 1-6, Kajiyama discloses that the time unit can be expressed as a number of sectors. One of ordinary skill in the art would have known that sector numbers refer to memory addresses. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention that Kajiyama taught the use of predetermined addresses corresponding to action data. Claims 1, 5, and 6 are met. Per claim 3, the storage medium 103 is portable. Per claims 11, 14 and 17, the objective of the Kajiyama invention is to synchronize the music data to data in the second session area of the storage medium through the use of the viewer software 110. As to claims 24-26, Examiner takes Official Notice that it was notoriously well known in the art to use pointers when referencing addresses with the advantage of dynamically changing processing parameters easily through the manipulation of addresses.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajiyama in view of Merrick et al. Kajiyama discloses that the action position information identifies a predetermined action position in the sound data (through a time parameter) but does not disclose that the synchronized operation achieves a lip sync effect in synchronization with the reproduction of the stream data. Merrick discloses a system and method for preparing animated characters which uses a dialog database 125 which stores audio clips (stream data) and a RealAudio choreography file 138, said file containing lip synchronization information which corresponds to the dialog selected from the database 125. Thus, it was well known at the time of invention to synchronize a lip sync effect with stream data. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to provide a lip sync effect via synchronization with the music data in first session 103a by incorporating that capability in the data tracks of second session 103b for the purpose of imparting a well known entertainment feature.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton
Primary Examiner
Art Unit 2644

btp